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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **OAKLAND DIVISION**

13 PHOENIX TECHNOLOGIES LTD., a
Delaware corporation,

14 Plaintiff,

15 vs.

16 DEVICEVM, INC., a Delaware corporation,
and BENEDICT CHONG, an individual,

17 Defendants.
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Case No. 4:09-cv-04697-CW (EDL)

**SECOND STIPULATION AND
[PROPOSED] ORDER CONTINUING
THE HEARING DATE AND BRIEFING
SCHEDULE REGARDING
DEFENDANTS' MOTION FOR
PROTECTIVE ORDER BASED ON CAL.
CIV. PROC. CODE § 2019.210**

Complaint filed: July 17, 2009

Trial Date: None Set

STIPULATION

WHEREAS, on December 21, 2009 Defendants DeviceVM, Inc. and Benedict Chong filed a Motion for Protective Order Based on Cal. Civ. Proc. Code § 2019.210 (“the Motion”) and set the hearing date for January 26, 2010 at 9:00 a.m. before the Honorable Elizabeth D. Laporte;

WHEREAS, counsel for Defendants and Plaintiff Phoenix Technologies Ltd. (“Plaintiff”) appeared before the Honorable Elizabeth D. Laporte on December 22, 2009;

WHEREAS, counsel for Defendants and Plaintiff have agreed to a further continuance of the hearing date and briefing schedule related to the Motion as a result of counsel for Plaintiff’s pending change of law firms;

ACCORDINGLY, the parties, by and through their undersigned counsel, HEREBY STIPULATE to continue the Motion hearing date and briefing schedule as follows:

- The last court day for Plaintiff to file its opposition to the Motion is continued from January 12, 2010 to January 19, 2010;
- The last court day for Defendants to file their reply is continued from January 19, 2010 to January 26, 2010;
- The last court day for Plaintiff to submit its Rule 79-5 declaration in response to Defendants’ motion to seal is January 19, 2010; and
- The hearing date for the Motion is continued from February 2, 2010 to February 9, 2010 at 9:00 a.m. or as soon thereafter as the Court’s schedule permits.

IT IS SO STIPULATED.

Dated: January 5, 2010

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, P.C.

/s/ Bryan J. Sinclair
By: KARINEH KHACHATOURIAN
BRYAN J. SINCLAIR
JEFFREY M. RATINOFF

Attorneys for Plaintiff and Counter-Defendant,
PHOENIX TECHNOLOGIES LTD.

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1 Dated: January 5, 2010

O'MELVENY & MYERS LLP

2 /s/ Peter T. Snow

3 By: STEPHEN J. AKERLEY
4 ERIC J. AMDURSKY
5 PETER T. SNOW

6 Attorneys for Defendant and Counterclaimant,
7 DEVICEVM, INC. and Defendant BENEDICT CHONG.

8 ATTESTATION

9 I, Bryan J. Sinclair, am the ECF User whose ID and password are being used to file this
10 Second Stipulation and [Proposed] Order Continuing the Hearing Date and Briefing Schedule
11 Regarding Defendants' Motion for Protective Order. In compliance with General Order 45. X.B.,
12 I hereby attest that Peter T. Snowy has concurred in this filing.

13 Dated: January 5, 2010

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, P.C.

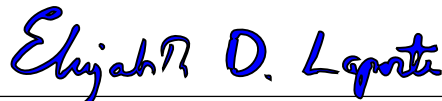
14 /s/ Bryan J. Sinclair

15 By: KARINEH KHACHATOURIAN
16 BRYAN J. SINCLAIR
17 JEFFREY M. RATINOFF

18 Attorneys for Plaintiff and Counter-Defendant,
19 PHOENIX TECHNOLOGIES LTD.

20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21 Dated: January 6, 2010

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23 THE HONORABLE ELIZABETH D. LAPORTE
24 UNITED STATES MAGISTRATE JUDGE

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